

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
574152000400

First Named Inventor: Bakulesh M. KHAMAR

International (PCT) Application No.: PCT/IB03/00860

U.S. Application No.: Not Yet Assigned  
(if known)

Filed: March 11, 2003

Title: PROCESS FOR MANUFACTURING PHARMACEUTICAL COMPOSITION COMPRISES OF  
MYCOBACTERIUM W IN THE TREATMENT OF ASTHMA (OBSTRUCTIVE LUNG DISEASE)

MS PCT

Attention: PCT Legal

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

## 2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
a copy of the International Application and the basic (identify type of reply):  
national filing fees

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

01/24/2006 LLANDGFA 00000049 031952 10565211

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

  
 \_\_\_\_\_  
 Signature

\_\_\_\_\_  
 January 20, 2006

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Jonathan Bockman  
 Typed of Printed Name

\_\_\_\_\_  
 45,640  
 Registration Number, if applicable

MORRISON & FOERSTER LLP  
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 Address

\_\_\_\_\_  
 (703) 760-7769  
 Telephone Number

## Enclosures:

- ☐ Response
- ☒ Fee Payment
- ☐ Terminal Disclaimer
- ☒ Other (please identify):

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a Submission under 35 U.S.C. 371 (3 pages), copy of International Application (18 pages), Application Data Sheet (2 pages), copy of International Search Report (3 pages), Preliminary Amendment (6 pages)